



HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

ELlicott CITY HISTORIC DISTRICT ■ LAWYERS HILL HISTORIC DISTRICT

3430 Court House Drive ■ Ellicott City, Maryland 21043

Administered by the Department of Planning and Zoning

www.howardcountymd.gov

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February Minutes

Thursday, February 4, 2016; 7:00 p.m.

The first regular meeting for the year 2016 of the Historic Preservation Commission was held on Thursday, February 4, 2016 in the C. Vernon Gray Room located at 3430 Court House Drive, Ellicott City, MD. Mr. Reich moved to approve the December 3, 2015 minutes. Mr. Roth seconded. The motion was unanimously approved.

Members present: Allan Shad, Chairperson; Drew Roth, Secretary; and Bruno Reich

Absent: Eileen Tennor, Vice-Chair; Erica Zoren

Staff present: Samantha Holmes, Beth Burgess, Lewis Taylor, Lisa Kenney

****Please note the following comments and recommendations are from DPZ Staff and are recommendations for the Commission to consider, they do not represent a decision made by the Commission.****

PLANS FOR APPROVAL

1. 16-01 – 6166 Lawyers Hill Road, Elkridge
2. 16-02 – 8416 Elko Drive, Ellicott City, HO-866
3. 16-03 – 8329-8333 Main Street, Ellicott City
4. 16-04 – 10437 Route 108, Columbia, HO-956
5. 16-05 – 8704 Wellford Drive, HO-401 (Squirrel Hill)
6. 16-06 – 3538 Church Road, Ellicott City
7. 16-07 – 3739 Church Road, Ellicott City (Emergency Addition)

CONSENT AGENDA

16-01 – 6166 Lawyers Hill Road, Elkridge

Exterior alterations build deck and screened porch.

Applicant: Charles White

Background & Scope of Work: This property is located in the Lawyers Hill Historic District. According to MDAT the house dates to 1960 and therefore is not a historic property. The property is located off the street, behind a historic house and does not front Lawyers Hill Road.

The Applicant proposes to construct a deck and screened porch on the rear of the house. The overall dimensions of the deck and porch will be 25 feet wide by 18 feet deep. The screened porch will be 14 feet wide and the open deck portion will be 11 feet wide. The decking will be a brown Trex board and

the railing will be a metal railing in the color rust. The railing will match the existing railing on the breezeway. A metal spiral staircase will connect the deck to the yard below. The screened porch will have a wood door leading to the deck. The roof of the screened porch will be brown architectural shingles, to match the house.

Staff Comments: The placement of the deck and porch comply with Chapter 7.A recommendations, “attach additions to the side or rear of a historic building. Design and place additions to avoid damaging or obscuring key architectural features of the historic building.” As mentioned above, the subject building is not historic, so there will not be any key features disturbed. Chapter 7.A recommends, “construct porches, decks, stoops and exterior stairs of painted wood rather than poured concrete or unpainted wood.” The proposed porch and deck will use wood, metal and Trex materials. While the materials do not completely comply with the guidelines, they are compatible with the existing materials on the non-historic house. The deck will not be visible from the street or from neighboring properties.

Staff Recommendation: Staff recommends Approval as submitted.

Testimony: There was no testimony.

Motion: Mr. Reich moved to Approve as submitted. Mr. Roth seconded. The motion was unanimously approved.

16-02 – 8416 Elko Drive, Ellicott City, HO-866

Tax credit pre-approval to replace roof.

Applicant: Kristin Magruder

Background & Scope of Work: According to MDAT the house dates to 1910. The house is listed on the Historic Sites Inventory as HO-866 and is not located in a local historic district.

The Applicant proposes to replace the entire roof with a 5 tab GAF architectural shingle in the color charcoal. The roof is currently asphalt shingle. Rotten plywood will also be replaced as needed. The current roof does not have an adequate drip guard to prevent water from entering the attic, which will be corrected with the new roof. The roof appears to be in very poor condition as seen from aerial photos. The garage roof will also be replaced. It is a flat roof and the Applicant said they will be replacing it with an asphalt shingle for flat roofs.

Staff Comments: The work is eligible for tax credits per Section 20.112 of the County Code, “the repair or replacement of exterior features of the structure” and “work that is necessary to maintain the physical integrity of the structure with regard to safety, durability, or weatherproofing.” The work also complies with the Secretary of the Interior Standards for Rehabilitation. The existing asphalt roof is in poor condition and will be replaced with a better quality asphalt shingle roof.

Staff Recommendation: Staff recommends tax credit pre-approval for the work. If an EPDM roofing material is used for the flat garage roof instead of asphalt shingles, Staff recommends tax credit pre-approval for that material as well.

Testimony: There was no testimony.

Motion: Mr. Reich moved to Approve as submitted. Mr. Roth seconded. The motion was unanimously approved.

16-03 – 8329-8333 Main Street, Ellicott City

Exterior alterations and repairs, Façade Improvement Program, tax credit pre-approval.

Applicant: Rob Brennan, AIA

Background & Scope of Work: The Applicant proposes to make several exterior repairs. The Applicant proposes to replace the front porch roof with standing seam copper. The porch roof is currently a black tar coated tin standing seam roof. In 2014 the Applicant was approved to replace the roof with a terne coated steel, which is only being produced by one manufacturer. As result, there is an indeterminate delay in manufacturing of the material. As result, the Applicant proposes to use the copper standing seam roof, which will match the existing roof in profile and size.

The Applicant also proposes to paint the Merryman Street side of the building with Sherwin Williams Beige to match the existing color. A dormer window on the rear of the building will be repaired and painted to match the existing using wood trim and copper roofing.

Staff Comments: The replacement of the porch roof with copper instead of terne coated steel or a more modern metal roofing is appropriate. Chapter 6.F recommends, “replace deteriorated features with new materials as similar as possible to the original in materials, design and finish.” While copper may not have been historically used in Ellicott City, the historic material is not available and copper is the closest option to the original and is a quality historic material.

The repair of the rear dormer window complies with Chapter 6.H recommendations, “maintain and repair original window openings, frames, sashes, sills, lintels and trim. Maintain glass, putty and paint in good condition.” The painting of the Merryman Street side of the building complies with Chapter 6.D recommendations, “maintain, repair and protect wood siding, wood shingles or log construction.” The use of the same paint color is considered Routine Maintenance per Chapter 6.N.

The work is eligible for tax credits per Section 20.112 of the County Code, “the repair or replacement of exterior features of the structure” and “work that is necessary to maintain the physical integrity of the structure with regard to safety, durability, or weatherproofing.”

Staff Recommendation: Staff recommends Approval as submitted.

Façade Improvement Program: Only the replacement of the porch roof is eligible for the Façade Improvement Program. Staff will approve the application for the Façade Improvement Program based on the approval from the Historic Preservation Commission and the Maryland Historical Trust, availability of funds and receipt of two quotes for the work. If approved, Staff will issue a pre-approval letter explaining the amount approved once the final bid is received. The pre-approval is contingent upon a final approval when the work is complete and availability of funds. Work cannot begin until a Certificate of Approval and Façade Improvement Program Approval have been received.

Testimony: There was no testimony.

Motion: Mr. Reich moved to Approve as submitted. Mr. Roth seconded. The motion was unanimously approved.

REGULAR AGENDA

16-07 – 3739 Church Road, Ellicott City (emergency addition)

Emergency repairs and tax credit pre-approval.

Applicant: Sue and Larry Schroeder

Background & Scope of Work: According to MDAT the building dates to 1893. The Applicant seeks approval for emergency repairs as a result of the garage/carriage house roof collapse due to the snow load from Winter Storm Jonas. Per the emergency procedure established in the Commission's Rules of Procedure the property was posted with a sign on February 2, 2016 and the website was updated to reflect the addition.

The Applicant proposes to replace the entire carriage house/garage roof. The existing roof is corrugated metal and the Applicant proposes to use corrugated metal to replace in-kind or asphalt shingles. The roof is not visible from the street due to the pitch of the roof.

The Applicant proposes to replace any broken windows and sashes with windows of a similar style. The gutters were torn off the back of the garage and will be replaced with a gutter to match the house. Any siding that was damaged will be replaced to match the existing.

There was a wood overhang/awning over a door on the main house that fell off and will be hung back in place. Support posts will be added as well. The application explains that depending on the builder's recommendation, they may have it rebuilt of lighter, modern materials with the same look. The stucco on the side of the main house that was damaged will be repaired and painted to match as needed.

The Applicant has not yet had any contractors out to the house, as this damage was unexpected.

Staff Comments: Generally much of the work is considered routine maintenance if it is repaired to match the existing in material and appearance. If the roof is replaced using corrugated metal, it would be considered Routine Maintenance. However, if the material is switched to asphalt shingle, it would be a change requiring a Certificate of Approval. Chapter 6.D (page 31) explains, "The original roof material has been replaced by asphalt shingles on many pre-1910 buildings...To retain the district's historic character, every effort should be made to repair and preserve historic wood, metal or slate roofing, particularly for roofs visible from public ways, and to replace historic roofing with similar material." The metal roof on this building was corrugated metal and not standing seam. As such, Staff has no objection to the use of asphalt shingle, which would require a decking material that would be able to handle future snow loads. Likewise, a standing seam metal roof would also be more structurally sound than the current corrugated metal. The replacement of the roof with a new material complies with Chapter 6.D recommendations, "replace historic roof materials only when due to extensive deterioration; use replacement material that matches or is similar to the original. If this is not possible, a different material characteristic of the building's style, construction methods and period may be used." The garage/carriage house roof is not visible from the street, and the current roofing material is not structurally sound enough to recommend using again. Staff recommends tax credit pre-approval to replace the roof with asphalt shingle or standing seam metal. As the Guidelines explain, these are common building materials appropriate for historic buildings. The replacement complies with Section 20.112 of the County Code, "work that is necessary to maintain the physical integrity of the structure with regard to safety, durability, or weatherproofing."

If the windows need to be replaced rather than repaired, Staff recommends they be replaced with 6:6 wood windows (side window) to match the existing. From the photograph Staff cannot tell what the rear

window is, but any replacement should match. Chapter 6.H recommends, “when repair is not possible replace original windows, frames and related details with features that fit the original openings and are of the same style, material, finish and window pane configuration. If possible, reproduce frame size and profile and muntin detailing.”

The replacement or repair of wood siding complies with Chapter 6.D recommendations, “when necessary, replace deteriorated wood siding or shingles with wood siding or shingles that match the original as closely as possible in width, shape and profile. Maintain the original shape and width of details such as corner boards, and door and window trim.” The repair of the stucco on the main house is considered routine maintenance per Chapter 6.D, which explains that routine maintenance includes, “repairing stucco using a mixture that matches the existing stucco in texture, strength and appearance.”

The replacement of the gutters could be considered routine maintenance, which includes, “maintaining gutters and downspouts and installing replacements of a similar size, location and finish, in the same color as existing gutters and downspouts or a color consistent with the exterior building walls.” The proposed new gutters will match those on the main house.

The awning/overhang should not be rebuilt with modern materials, but should be repaired or rebuilt to match the existing. Repairing would comply with Chapter 6.H recommendations, which recommend against “unnecessarily replacing original doors and entrance features on historic buildings.”

Staff Recommendation: Staff recommends Approval of all work as submitted except that the awning should be repaired and reused as opposed to being rebuilt with modern materials. Staff recommends tax credit pre-approval for the work, which was unexpected due to the collapse of the roof.

Testimony: Mr. Shad swore in Larry Schroeder and Sue Schroeder. Mr. Shad asked if there were any additions or corrections to the Staff comments. Mr. Schroeder was stated that the existing awning was cantilevered out from the building and the new plan would be to add support pillars to keep awning from collapsing again. He also stated that the awning is still useable as is. Mrs. Schroeder stated her concern regarding the weight of the awning. Ms. Holmes said they awning should be reused and that it was fine to add support pillars.

Mrs. Schroeder stated she didn’t see window damage; however she could see sunlight around the windows. She is concerned that things might break in the process of fixing the structure and would like permission to replace them if necessary. Mr. Schroeder stated the building is post and beam and would probably have to be straightened prior to fixing the roof. He stated the main support beam parallel to front door is broken, but vertical beams appear to be intact.

Motion: Mr. Reich moved to Approve as submitted. Mr. Roth seconded. The motion was unanimously approved.

16-04 – 10437 Route 108, Columbia, HO-956

Exterior alterations.

Applicant: Law Offices of Megan L. Reuwer PA

Background & Scope of Work: According to MDAT the building dates to 1948, but most likely dates earlier per the Historic Sites Inventory form (1915-1938). This property is listed on the Historic Sites Inventory as HO-956 and is not located in a historic district.

Waverly Investments, LLC has applied for a historic building Conditional Use for the property. One of the criteria for consideration for this use is that exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic Preservation Commission prior to the approval of the Conditional Use. The Hearing Examiner has requested that the Historic Preservation Commission review the exterior alterations and determine if the alterations are architecturally compatible with the historic structure. The application explains that prior to the conditional use application the building was deteriorating under the previous ownership. Once acquired by Waverly Investments, the building was stabilized and renovated and the porch was replaced. The application states that the owner originally thought about renting the property out for residential use, but was later approached by people interested in the property for a personal services establishment and/or business and professional offices, which triggered the need for a conditional use. The building was vacant, boarded up and deteriorating prior to the current owner's renovation.



Before renovation

Staff Comments: The building is an American Foursquare and was in poor condition prior to the renovation. The front porch on the building was rebuilt using stone and Azek columns, a hipped metal roof and vinyl railings. New aluminum downspouts and gutters were also added. The cedar shingle siding was replaced with HardiePlank lap siding and HardieShingle siding. MDF trim was used between the shingle and lap siding. All of the windows are vinyl Anderson double hung. The roof was replaced with 30 year fiberglass shingles. The building was painted using earth tones that are compatible with the style of building. The porch is now more reminiscent of a craftsman building than that of the advertisement provided for the Sear's house due to the stone and tapered columns. However, as the porch was no longer on the building, it is unknown what it would have looked like. The craftsman style also influences the American Foursquare, so it is not uncommon to see these characteristics on the building.



After renovation

While more historic building materials could have been used, most of the materials that were used are high quality and will last for many years. Additionally, the Applicant did not seek historic property tax credits for any of the work. The property was in very poor condition prior to the renovations and typically Staff would receive a demolition permit for this type of structure. Staff is glad to see the structure was saved and rehabilitated.

Staff Recommendation: Staff finds the rehabilitation of the building is architecturally compatible with the building type. While more historic building materials could have been used, the materials that were used are of good quality and at times have been approved for use in historic buildings in the past.

Testimony: Mr. Shad swore in Megan Reuwer, PA. Mr. Shad asked if there were any additions or corrections to the Staff comments. Ms. Reuwer stated that a site plan approval is a requirement for a conditional use and asked if the Commission could also offer Advisory Comments now, which would be required for the site plan per the Code, so that they would not have to return before the Commission. Mr. Shad swore in Joe Rutter of Land Design and Development. Mr. Rutter stated that perimeter landscaping is always part of a site development plan. Mr. Rutter explained that landscaping is being installed to the west of an existing fence. Mr. Rutter stated that landscaping is being concentrated in areas where they think it might be required. The site plan also shows that the parking parking will be extended into the rear yard. The house will not be disturbed. Mr. Taylor confirmed with Mr. Rutter that even though the site plan was not yet finalized, there would not be any changes to the site beyond the landscaping and parking lot extension. Staff agreed this approach made sense. Ms. Holmes stated that Staff thought the location of the parking lot was appropriate, as it is located behind the building and does not disrupt the view of the historic building from the street.

Mr. Reich said they have pretty much recreated what is there and there are some architectural changes, but is architecturally compatible. The front porch was added back on, the trim was changed and shingles changed to lap siding. Essentially the form is the same. There was a front porch before and one was added back on. Mr. Reich said the columns are a little out of proportion, but overall is architecturally compatible. Regarding the site plan, Mr. Reich agrees with Staff that the parking lot is appropriate in the rear of the house and the house keeps the appearance that it has always had from 108. He said that it is appropriate that the subject property is proposed as a use other than residential since Route 108 is a busy street and there is other commercial nearby.

Motion: Mr. Reich moved to Approve as submitted. Mr. Roth seconded. The motion was unanimously approved.

16-05 – 8704 Wellford Drive, HO-401 (Squirrel Hill)

Demolish historic house.

Applicant: Joseph Rutter

Background & Scope of Work: According to the Historic Sites Inventory form the historic house dates to 1893-1894. This plan previously came before the Commission in June 2012 for Advisory Comments and the house was to be retained for restoration. The Applicant now seeks Advisory Comments for the demolition of the historic house. The application explains that the subdivision of Centennial Lake Overlook was designed with the historic house situated on a large lot facing an open space area. The plan was to remove the concrete block additions and rehabilitate the house. Contractors were brought out to give estimates for the work and determined “that reorienting the house will require reconfiguring the interior of the house, removing the inappropriate additions to the rear of the house and then adding back on a family room, mud room, garage and playroom addition which would make the project too

risky financially. Without complete remodeling of the kitchen and baths this house could not compete with the surrounding neighborhood market.” The house has been boarded up and secured.

Staff Comments: The current application is returning to the Commission for Advisory Comments as the plans for the subdivision have changed. When the plan was first introduced to the Commission, a Commission member stated that if the historic house was to remain, the road should be brought around to the front of the house. However, the subdivision was designed with the rear of the historic house facing the street. This does not comply with Section 16.118 of the Subdivision and Land Development Regulations, which state, “the new subdivision road should be sited so that the lot layout does not intrude on the historic resources. The road should be oriented so that views of the historic property from the public road are of its primary façade.” Therefore, the house should not need to be reoriented because the road should have been oriented properly in the first place. Additionally, the back of the house which now fronts Wellford Drive could be utilized as the front and blend to complement the community.



Front of house facing open space

The report states that a family room, mudroom, garage and playroom need to be added onto the house. Those additions seem excessive and unnecessary given that the current large size of the historic house offers: 5 large rooms on the first floor with a bathroom, 4 bedrooms on the second floor with 2 bathrooms and 2 rooms and a bath on the third floor. The cinder block addition could be rebuilt into a large family room or even serve as a garage if the exterior grading is considered. Removal of these items from the quotes may make the rehabilitation costs more reasonable. The addition to the back could be rebuilt in a manner that represents how the developers want the foyer entrance or a family room to be for resale. The exterior and structural renovations to the house could utilize the County’s 25% Historic Property Tax Credit program.



Rear of house facing Wellford Drive

Staff Recommendation: Staff recommends the developer utilize the 25% historic tax credits for the exterior restoration of the house. Staff recommends that the house be salvaged and restored as originally planned in the current location. Renovation efforts should focus on a new kitchen, bathrooms and reconfiguring the back room as the front room. If the developer is not willing to salvage this home, Staff recommends the home be advertised to the public to see if anyone is willing to move it off site for renovation. As this application is only for Advisory Comments, Staff recommends the historic building materials be donated to a salvage company. In particular, the slate roof, windows, newel post, banisters, interior moldings and radiators appeared in good condition at the time the County’s Architectural Historian photographed the house and should be salvaged.

Testimony: Mr. Rutter stated that in regards to the orientation of the house and road that he finds it is a little strong for one Division to say it doesn't comply with the regulations as the subdivision was approved and that there was always a balance with environmental regulations, layout and design and preservation of the historic house. Rutter stated that a decision was made with input from surrounding communities and they knew they were not going to cross the stream twice to create a loop road which would have enabled a road to be in the front.



Location of house

Mr. Rutter stated that originally he appeared before the Commission as a developer and agreed that the house could be reoriented if the 50s block addition was removed. Mr. Rutter stated that Beazer homes purchased the entire Phase 2, including the subject lot and is not in the business of rehabbing homes, but building new homes. Mr. Rutter stated that Beazer homes actively marketed the property and contacted four builders, but that all four companies priced out the rehabilitation and agreed that they cannot make the numbers work. Mr. Rutter said there is probably lead paint, the bathrooms are old and need to be remodeled and there are no master baths. Beazer Homes is in agreement with the Staff Recommendation regarding salvaging of materials of the historic home. Mr. Rutter stated that Beazer Homes is willing to sell to someone who wants to renovate on site or off site.

Mr. Reich asked about the status of the subdivision approval. Mr. Rutter stated that the subdivision and roads are built and that they cannot build the houses fast enough. Mr. Reich asked how much time remained before the house has to come down. Mr. Rutter indicated that it would need to be in the next couple of weeks to see if anyone was interested, however if a buyer was found they would hold off. Mr. Rutter stated that if a buyer could be located and would be willing to work with Beazer Homes, however the house could not be left as is in a million dollar subdivision. Ms. Burgess clarified if Beazer was open to selling the house to remain on site or selling it to be moved off site. Mr. Rutter said Beazer was ok with either scenario. Ms. Burgess asked what the minimum cost of the lot was. Mr. Rutter said the lot was being offered around \$400,000 but wasn't sure if they would come down from that. Mr. Reich asked about the price of the new houses. Mr. Rutter said they were priced around \$900,000 to \$1.1 million.

Mr. Roth asked why the house has to be competitive with the neighborhood. He stated that the developer bought the property and agreed to fix the historic home and that the home should be accepted as the cost of the site. Mr. Rutter stated that the developer kept the home during the entire building process, but explained that the developer is a new home builder now. Mr. Roth stated that the developer knew and accepted this when they entered into the property. Mr. Rutter stated that the house needs to be rehabbed to be in conformity with the neighborhood and they cannot locate anyone who can do the work.

The Commission went into closed session at 7:59 to obtain legal advice on the procedure for Advisory Comments. The meeting resumed at 8:04. Mr. Reich asked if anything was legally binding the developer since the subdivision had come before the Commission in 2012. Ms. Holmes stated that the subdivision was before the Commission back in 2012, and that it was only advisory comments at that time. Mr. Rutter stated that Beazer Homes offered to sell originally or partner with someone to fix the home. He also stated that the property is not worth as much without the house on it and that the best deal for Beazer would be to find someone to renovate the home.

Mr. Roth stated that he did not find validity with the financial argument and that it was a business risk. He stated that the price of the house should be lowered and that it would probably sell. Mr. Reich stated that the house should be saved since it is important to Howard County history and that he thinks it possible to find someone to rehab the house as it appears structurally sound. Mr. Shad suggested that the house be advertised in the paper. Mr. Rutter stated that there is not a lot of time to have people look at the house.

Motion: The Commission summarized that they had no additional comments, and would not make a formal motion as the case was for advisory comments and the comments made during testimony was their recommendations. Mr. Shad stated that the Commission was in agreement that the house should be saved and that more of an effort be made to buy or renovate the property.

16-06 – 3538 Church Road, Ellicott City

Construct retaining walls, remove trees.

Applicant: Stephanie Tuite

Background & Scope of Work: This project came before the Commission in December 2015 for the removal of the house, construction of retaining walls and removal of trees. The Applicant withdrew the request for tree removal and construction of the retaining wall, but was approved for the demolition of the existing house.

Retaining Walls

The Applicant now seeks approval to construct the retaining walls and remove the trees. The application states:

“Since the larger wall (the wall located at the terminus of Deanwood Avenue into the development) along the sand filter facility is part of the main infrastructure for the subdivision, the wall will require approval to help support approval of the subdivision. This wall’s design will not change with the Site Development Plan submission where the proposed houses and lot grading will be approved. This is a key reason for this request for approval being made at this time rather than waiting until the time of submission of a Site Development Plan. Since this property is zoned R-ED, the Preliminary Equivalent Sketch Plan will go to the Planning Board for approval. Planning Board will want to see that main infrastructure for the site is approved at the time of this Preliminary Equivalent Sketch Plan. With regard to the proposed retaining walls, the preference is to construct poured in place concrete walls face with cut stone. Although this is the preference, the developer is open to other options that may be preferable to the Historic Preservation Commission.”

In this revised plan, 2 of the 4 walls, Wall #1 and #3, have been eliminated. The first wall, which has been removed, was around open space Lot 16. The lot has been graded to fulfill the required 3,900 square feet of level open space, but without having a retaining wall. That wall varied in height, with a maximum wall height of 5 feet. The second wall located at the terminus of Deanwood Avenue into the development behind Lot 9 remains. Upon entering the driveway, the wall will be 2 feet high and will be

faced with stone and have an additional 2 foot high black metal railing above the wall, allowing a 4 foot barrier at the terminus of Deanwood Avenue. The other side of the wall that is not visible from Church Road will be as follows: as the wall spans to the east it will increase to 8' 8" high at Section C-C, then decreases to 6' 6" high at Section B-B, and up to 7' 8" inches high at Section A-A. The maximum wall height will be a 12 foot drop into the stormwater management facility. The third wall was eliminated from the plan which was behind Lot 3. The fourth wall will be located at the rear of the development behind Lots 1 and 2. The maximum wall height in this location will be 3 feet high. At section F-F the wall will be 1' 2" high and will go up to 2' 7" high at section E-E, directly behind Lot 1, toward the end of the wall. The original proposed fourth wall had a max height of 12 feet so this wall has been reduced by 9 feet in some areas.

Tree Removal

Regarding the trees, the application states:

"Tree removal is being submitted for similar reasons. Although the trees will not be removed at this time, the intent to remove the trees will be key in obtaining subdivision approval in order to show that houses can be constructed on the proposed lots. Again, the Site Development Plan will show grading, house locations, and driveway construction, which will be approved by the Historic Preservation Commission at a later date, but the tree removal proposes will allow for the creation of the lots and show the intent for trees to be removed."

The Applicant proposes to remove 146 trees that are 12 inch or greater for the construction of the 13 houses. There was opposition to tree removal along Church Road, so the three trees that were going to be removed due their poor condition will now remain. The County Landscape Manual requires 8 shade trees, 2 evergreens and 7 shrubs to be installed to meet the minimum site landscape obligations. The application explains that "as part of the proposed landscaping, credit has been taken for 1 existing tree and 10 shade trees, 22 evergreens and 7 shrubs were proposed on the Preliminary Equivalent Sketch Plan. This is 3 shade trees and 20 evergreens more than required that are proposed to enhance the existing buffers along Church Road. As part of the retaining wall views attached, we have added 3 additional shrubs and 1 additional evergreen to soften the appearance of the end of the wall of the Y turnaround."

Staff Comments: The proposed black metal railing is very typical of those found within the Ellicott City Historic District and complies with Chapter 9.D recommendations, "install open fencing, generally not more than five feet high, of wood or dark metal" and "construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way." The various types of stone walls identified in Ellicott City are all appropriate options. Staff recommends that the style of wall chosen have variety in the stone color, which is lacking in the example from the Parking Lot C wall (the granite there is one color, but the size of the blocks more closely match the existing wall).

Staff finds the retaining walls have been significantly improved from the previous submittal. The walls have been reduced from 4 walls to 2 walls. The plan shows Wall #1 will be 12 feet high at its maximum height, but otherwise varies in lower heights. Wall #2 will be very low and is not of concern as it is under 3 feet high. The wall material has also drastically improved from the stacking block and will be faced with real stone. The use of stone faced walls complies with Chapter 9.D of the Guidelines, which states, "new granite walls are expensive, but retaining walls faced with granite or with a surface treatment that resembles Ellicott City's typical stonework can be appropriate in visible locations." The use of a stone facing on the wall also complies with Chapter 9.D recommendations, "construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way."

While the removal of large trees is concerning, aerial photography over the years confirms that much of the area was pasture land and only became heavily wooded in the 1970s. There was a dense treeline along Church Road that was evident in the 1940s and 1950s, but was eradicated in the early 2000s with the construction of the Woods of Park Place and to present day has not been filled back in with new street tree plantings. Chapter 9.B of the Guidelines recommends, “retain mature trees and shrubs. Provide for their replacement when necessary” and “retain landscaping patterns that reflect the historic development of the property. Use historic photographs or landscaping plans if these are available.” Historically this area has been open fields with large specimen trees and new growth forest. While 11 specimen trees will be removed in order to accommodate the new lots, about 27 specimen trees will remain. There will be new landscaping added back along the street, as well as along the Deanwood Avenue extension into the subdivision.

Staff Recommendation: Staff finds the Applicant significantly reduced the number of retaining walls needed and finds the landscaping plan shows that plantings have been adequately addressed. As such, Staff recommends Approval as submitted.

Testimony:

Mr. Shad asked if anyone in the audience was opposed to the application. Members of the audience indicated they were opposed and Mr. Shad asked everyone opposed to make sure they had signed in to testify.

The parties were advised of their right to proceed in a formal contested case with cross-examination, or to proceed informally and accept public testimony at the end of the Applicant’s presentation.

Mr. Shad swore in the Applicant, Stephanie Tuite of Fisher, Collins and Carter. Mr. Shad asked if there were any additions or corrections to the Staff comments.

Ms. Tuite explained that in the last 30 or 40 years trees have started to grow in the area that is proposed to be cleared. She said that this is typical when a farm field is abandoned. She explained that most of the trees are tulip poplar, which is an emergent species of tree that are commonly found in abandoned farm fields. She stated that the forest delineation shows the property is over populated by trees. Ms. Tuite stated that the majority of the view of the wall that peaks at 12 feet high would only be from behind and that main visibility would be of a two foot high wall with a metal railing. She said the wall will not be visible from the majority of the district because the property drops off from Church Road to the interior of the site. She said the views of the wall will be very limited and neighbors will not view a full face of the wall. Ms. Tuite stated that trees have been added to the plan along Church Road as indicated by the Staff report.

Mr. Reich asked about the removal of three large black walnut trees, stating that they have probably been on site for over 100 years. Ms. Tuite stated that specimen trees are being removed from around the house and barn. Ms. Tuite stated that several of the trees show fair or poor condition and that they have been limited in space and have not been able to grow out in full. She stated that a description of “fair” is usually based on quality and whether the tree is showing dieback or disease. Mr. Reich asked how old she thought a 45 inch maple is. Ms. Tuite stated that silver maples grow fast and are not desirable since they tend to invade piping because the root system grows very fast. Ms. Burgess explained that when pioneer trees grow up in a slender manner they are reaching for sunlight. The older ones will shade out the smaller ones, but when you develop adjacent to them and remove the other trees the slender trees can be very wind thrown and could be dangerous to the structures around it.

Ms. Tuite stated that the root system is a lot wider than the trees and cutting out some of the root system would cause the trees to fail. Mr. Reich asked if the plan shows all of the trees on the site. Ms. Tuite said the plan shows the trees that are 12 inches and greater. She stated that the majority of the forest is between 12 and 18 inches, which indicate that the trees have grown the last 30 or 40 years.

Mr. Reich asked if most of the trees on the southwestern part of the site and the steep slopes were being saved. Ms. Tuite replied yes and said that the plan shows limited disturbance. Mr. Reich asked about the materials to be used for facing for the concrete walls. Ms. Tuite said they are seeking input from the Board and have included walls they could match the look of. Mr. Reich asked if real stone would be used as the facing and Ms. Tuite said that was their intention. Ms. Tuite discussed the pictures of the walls submitted and the existing walls found in the district. Mr. Reich asked for clarification on the variation of stone as stated by Staff. Ms. Holmes explained the Mulligan's Hill wall that she was referring to. Mr. Reich confirmed that the approval that night was for the retaining wall and trees. Mr. Reich asked if the material would be left up to Staff or if they would come back in for approval. Ms. Holmes recommended the exact material be submitted to the Commission as a new application in the future.

Mr. Roth said the retaining wall is in front of the pocket sand filter off the road, the view from the rear is obscured by the stormwater management, which is a great improvement. Given that, he is ok with the retaining walls.

Public Comment

Mr. Shad swore in Elizabeth Walsh. She explained that she lived in Lot 7 of the old Linwood Farm subdivision. She explained that she had just heard about meeting two days prior and was concerned about the absence of information presented. She stated that she has not seen any evidence of arborists or historical analysis of each of the trees. She stated that the removal of 146 trees would cause irreparable damage to the property and the trees would not grow back in her children's lifetime.

She said that there are 8 champion trees between Linwood and the Patapsco Female Institute as identified in the 2008 Champion tree inventory. She said there is no arborist testifying regarding the specifics of the trees in question. Ms. Walsh stated that 10% of the County's champion trees exist along this half mile stretch. She stated that the Commission is tasked with maintaining the historic integrity and she is concerned that the Commission is not being told accurate information. Ms. Walsh asked the Commission to take a more careful look at the plan and make the owner develop it correctly and honor the integrity of the historic district. Mr. Reich asked what Ms. Walsh thinks should be done. Ms. Walsh replied that there should be testimony from qualified arborists and that there is plenty of money to be made in the development of the property; however the historical character and integrity must be maintained. Ms. Walsh stated that the issue is whether this plan is honoring the guidelines and she does not believe it is. Ms. Walsh read some excerpts from the Guidelines, "Maintain the topography of the existing landscape...Recommend against live mature tree removal." She asked the Commission to deny the request.

For clarification, Ms. Burgess explained the definition of "emergent" as plants growing without being planted. The Commission discussed the differences between emergent and pioneer species and specimen and champion trees. Mr. Roth said he was looking at the 1943 aerial and that he sees a farm. Mr. Roth and Mr. Reich discussed the aerial photos and the location of the trees on the subject property.

Candace Taylor was sworn and stated she lives on the adjacent property. Ms. Candace Taylor stated that due to the topography of her property she will be looking down into the development. She stated that the walls will be visible to her, the Duffy's behind her, and the log cabin owned by the Crist's behind the

Duffy's. She explained that they restored their house in 2008, as her husband's family has lived there for 100 years. She said that she will now have three new neighbors. She said that her house sits up high and from her kitchen she can see into the center of the Lacey property and with the trees gone she will see even more of it. Mr. Roth asked if she had seen the sections of the wall. She said she had not seen it. Mr. Roth stated that there is a berm by the stormwater management facility that will shield the wall. Mr. Reich asked about the driveway. She said that her driveway is circular but that there is a shared drive down the property line.

She said that she does not have a problem with the wall, but finds a twelve foot wall is too high and greedy due to the amount of lots in the development. She said if they did not have as many houses they would not need as many walls, which would be more in keeping with the historic district. She stated that if the proposed development were smaller, then smaller walls would be needed and the character of the historic district would be kept. Ms. Candace Taylor stated her concern regarding the landscaping between her property and the subject property. She explained that she does not know what the taped trees on the Lacey property mean. Ms. Burgess clarified that she was just told that the taping means 12 inch caliper or greater and is survey work, but does not indicate whether it is to stay or be removed. Ms. Candace Taylor stated that the Commission could be setting a precedent by allowing a 12 foot stone wall to be built in the historic district.

Mr. Shad asked for clarification regarding the 12 foot retaining wall. Ms. Burgess explained that the plan was revised and some of the proposed walls had been removed. She stated that they were told by the engineer that the wall is 12 feet at its peak and that wall slopes according to existing topography. Mr. Reich said the wall starts out pretty shallow and that the wall varies in height according to the plan.

Mr. Gary Segal was sworn in. Mr. Segal explained that he was the president of the community association at the time that the Woods of Park Place was built. He said that the community took steps to stop fighting developments by rezoning properties up to the Lacey Property as Rural Residential zoning, so that the properties could not be developed. He said that the Lacey property and another property went in to Forest Conservation and was taxed at farm land rates. He stated that the Lacey's made a conscious decision to preserve the existing forest. He does not agree that it does not matter that the trees were not there years ago, as they are there now and have grown quite large. Mr. Segal stated that a development across the street was supposed to leave a buffer intact along Church Road, however the buffer was suddenly cut down. He said that two of the trees that Ms. Walsh was referring to were part of the Linwood sewer project. Mr. Segal stated that Deanwood Road is now 15 years old and the trees that have been planted are very small in diameter so it takes a long time to recover. He stated that the erosion will only get worse due to run off from the removal of trees. He said that both sides of the road on Church Road is eroding away and that there are increasing problems because of more storm water runoff.

Mr. Burgess asked for clarification regarding two of the trees being removed from the Linwood sewer utility. She asked if those were two of the champion trees that Ms. Walsh mentioned. He did not know how many she mentioned, but said there were two large trees cut down. She also asked about the Lacey property being in a Forest Conservation Easement. Mr. Segal stated that State Tax Assessment website shows the Lacey property with an agricultural tax rate.

Mr. Roth asked if any properties in the neighborhood are under the Maryland Environmental Trust. Mr. Segal stated that none of the individual lots were large enough and that they petitioned to go in as a group, but that did not work. Mr. Segal stated that the trees are in their current state because of the Forest Conservation Easement, but said he has not reviewed the easement documents.

Mr. Frank Todd Taylor Jr. of Church Road was sworn in. Mr. Todd Taylor stated he agreed with Mr. Reich's statement at the December meeting that the Commission is being asked to approve things in a piecemeal fashion. Ms. Holmes confirmed that there is not a DPZ approved plan yet. Mr. Todd Taylor discussed the approval process when he made renovations to his home and explained how he brought in samples of materials. He stated that the Applicant is not doing that. Ms. Burgess clarified they would be required to have materials approved as well. He stated that the property can be seen from three adjacent properties to the east. Mr. Todd Taylor claimed that there has never been approval of any walls in the historic district for the purpose of retaining dirt. He said there are walls for landscaping purposes, some in Deanwood and on the Devine property. He briefly discussed some of the example walls submitted by the Applicant.

He stated that allowing a developer to come in with the subject plan is not the purpose of the R-ED zoning district, which he contends is supposed to avoid moving a lot of dirt. Mr. Todd Taylor said that the historic nature and environment of the neighborhood should be taken into account for the R-ED District. He passed out copies of the Howard County Historic Preservation Plan, to be included in the record, and pointed out some sections that he found relevant to this development. He said that the retaining walls do not comport with the goals of the plan. He argued that per § 16.118.B.6 of the County Code, density is not sufficient justification for allowing adverse impacts in the historic district. He alleged that the Commission is setting a precedent by allowing retaining walls. He asserted that the need for the wall is to allow new houses on the site to connect to the sewer system and has nothing to do with the historic nature of the property or keeping the neighborhood as historic. Mr. Todd Taylor stated that Mr. Lacey needed the trees to get his special tax assessment, but now it's going to be developed so the trees are no longer needed. Mr. Todd Taylor asked why the Maryland Historic Trust is not present at the meeting nor were they asked to comment on the plan. He finds that a Maryland Historic Trust analysis would be in order due to the property owner receiving a reduced tax rate because of property being in Forest Conservation.

Mr. Lewis Taylor asked for clarification the citing for the Maryland Historical Trust. Mr. Todd Taylor stated that the Howard County Code Section 16.606.b requires the advice of the Maryland Historical Trust if State funds are impacted. Mr. Lewis Taylor asked how state funds are being used in this instance. Mr. Todd Taylor said that state funds are being used because of the property owner's reduced tax rate for forest conservation.

Mr. Vincent Lacey was sworn and stated that the Forest Management Plan expires naturally in March of 2016 and that it is their intent to let that expire. Mr. Reich asked about the obligations associated with the Forest Management Plan. Mr. Lacey stated that a forest planner inspects the trees and requires maintenance of the property. Mr. Reich asked if anything needs to be done other than leaving the property as is. Mr. Lacey stated that there is guidance given from the forester who comes out to inspect. Mr. Lacey verified that he received a reduction in taxes due to the Forest Management Plan.

Mr. Reich said the three walnuts are in an area that is relatively flat and could be kept if the house was shifted a bit. Mr. Reich said it is possible these trees are showing on the historic aerials. Ms. Tuite stated that several trees are being kept. She clarified that tulip poplar is the majority of the species in reference to the 12 to 18 inch trees that dominate the forest stand on the property. Ms. Tuite said that there are other specimen trees on the property, such as the walnut, but the stand is dominated by 12 to 18 inch poplar trees. She said there are large walnuts, maples and other trees. She said there are 43 total specimen trees on the site and 11 are proposed to be removed. She explained that three trees in poor condition along Church Road were going to be removed, but will now remain due to the desire to try to keep the scenic views along Church Road. Ms. Tuite said they are only removing one small tree for the entrance road and that very little will be graded in the first stretch along Church Road. Ms. Tuite stated

that the development was pulled back away from Church Road to allow for an enhanced buffer to allow the landscape to stay in similar view as it is today. Ms. Tuite stated that the majority of the reason for the proposed wall is for storm water management and not necessarily for the subdivision. She explained that there is a sizable facility to treat stormwater. Mr. Roth asked why the wall is there, stating he understands why the berm is there. Ms. Tuite said the berm is the dam of the pond. Ms. Tuite said the majority of the reason for the wall height, which peaks at 12 feet, is for the construction of the stormwater facility, which is at the top of the Hudson Branch watershed. She explained that the wall is supporting the driveway, but it is also allowing for the management of a 100 year storm. She said there are trees that are being retained along the Taylor property and a sizeable buffer will remain. Ms. Tuite explained that the houses are being pushed down along the Taylor property so that a berm is being created so that headlights will not be seen by the adjacent neighbors to the east.

Mr. Lewis Taylor asked if all of the lots will drain to the facility at the retaining wall. She said that not all of them will and explained where the various lots will drain. He asked for clarification if any reduction of density would affect the drainage. Ms. Tuite stated that stormwater management is not based on impervious surface, it's based on zoning.

Mr. Roth asked if there was an arborist involved with examining the trees. Ms. Tuite said the trees were examined by John Canoles, a forester certified by DNR, with wetland delineation credentials as well.

Mr. Reich asked how much care should be taken for preserving the trees. Mr. Reich said that if this plan was for an individual house removing a tree, the Commission would be looking closely at it. He said that because the proposal is for 146 trees to be removed it should be treated with the same care. He stated that it is hard to look at the plan and get a good understanding of all the trees. Mr. Reich stated that the forester expert John Canoles should be present to testify.

Ms. Tuite stated that there will be a large forest conservation parcel along the south side once the plat is recorded.

Mr. Reich stated that they went to a lot of trouble to minimize the walls. Mr. Reich said that although he understands the community does not like walls, he stated that there are walls all over Ellicott City. He expressed concern regarding the landscaping and the trees. He said that an expert is needed to provide testimony. Mr. Reich stated that there is a lot of concern on the citizen side and they have not been involved in the process from what he has heard.

Ms. Tuite clarified that there have been many community meetings, including four formal community meetings as well as several informal meetings. She explained that the public can go to the County to review the application materials that have been submitted. Ms. Tuite explained the requirements she has to meet for the development. Ms. Tuite stated that they are proposing removing 11 of the 43 trees. She explained that some of the trees are not in good condition based on the information from the consultant. Ms. Tuite stated that pictures were taken and provided showing a number of the trees have dieback, broken branches and some show that disease will set in. She stated that she is a landscape architect as well as an engineer.

Mr. Lewis Taylor asked for clarification on the Existing Condition and Demolition Plan, sheet two of eight, regarding the proposal to remove 11 of the 42 specimen trees listed. Ms. Tuite stated that one of the trees fell on its own so the proposal is to remove 11 of the specimen trees. The 11 trees are included in the 146, which refers to the 12 inch or larger trees, the majority of which are not specimen trees and are located on the east side of the property.

Mr. Shad moved to go into closed session at 9:50 pm. Mr. Roth seconded the motion, the vote was approved. The Commission received legal advice regarding tree removal. There was a brief break after the closed session and the public hearing resumed at 10:23 pm.

Mr. Reich said the walnut trees are in good condition. Mr. Reich stated that the proposed plan is a big project in the historic district and there is a need to protect the view shed. He said there was a lot of care taken to the retaining walls and they really minimized the impact of the retaining walls. Mr. Reich would like the same care done with the trees. Mr. Reich stated that he is not convinced that some of the trees cannot be saved. He wants to continue to the next hearing to receive more information and does not find they have received enough information to make the decision that night.

Mr. Roth stated that he is okay with the retaining wall and with the tree removal as there are a lot of trees on the property. He stated that mature trees are important to Ellicott City and that maple trees on the property are not the trees specifically referenced in the Guidelines, which are located along the street, not within the property. He finds there has been a good faith effort to retain trees to the extent reasonable. He referenced the Guidelines discussing the historic use of the property and He stated that the subject property was historically farm land, which consists of open fields. Mr. Roth said historically the view shed was farm land, not forest.

Mr. Shad stated that agrees with Mr. Reich that they require more information from an arborist about the specific trees to be removed. Mr. Shad stated that if he wanted to remove any trees from his property, each individual tree would need to be reviewed and they need to treat this application the same and review each tree.

Motion: Mr. Reich moved to Approve the retaining walls as shown on plans submitted for this evening's hearing with the provision that there will be a later submission for the facing materials. Mr. Roth seconded. The motion was unanimously approved.

Mr. Reich moved to continue the decision on the trees until the next month's hearing and allow the Applicant to submit more information and for the opponents to submit more information.

Mr. Lewis Taylor asked if the Applicant would object to a continuance of the tree part of the application. Ms. Tuite stated that she does not object.

Mr. Todd Taylor stated that he nor his wife would not be available for the next meeting in March. Mr. Reich asked if the Applicant was amenable to continuing to April. Mr. Reich said that is it a public hearing that happens once a month, but does not find they can hold up the Applicant. Mr. Todd Taylor stated he is an attorney and represents these people. Mr. Lewis Taylor asked for clarification about who Mr. Todd Taylor represents. Mr. Todd Taylor said he represents the Church Road Association and the Woods of Park Place and speaks on his own behalf and said it is difficult for him to do what they are suggesting. Mr. Taylor asked the Applicant if they could wait until April. Ms. Tuite said her clients do not wish to hold to April. Mr. Todd Taylor said he leaves February 20 and would be back after March 10. Mr. Reich asked what the date of the March meeting is. Ms. Holmes replied the date is March 3. Mr. Roth said he is inclined to stick with the scheduled meeting.

Mr. Reich moved to continue the tree removal case to the normal March hearing. Mr. Roth seconded. The motion was unanimously approved.

Mr. Roth moved to adjourn. Mr. Shad seconded. The motion was unanimously approved and the meeting was adjourned at 10:42 pm.

*Chapter and page references are from the Ellicott City or Lawyers Hill Historic District Design Guidelines.

Beth Burgess, Executive Secretary

Allan Shad, Chair

Carol Stirn, Recording Secretary